

KATE McKENNA, AICP
Executive Officer

**MINUTES OF THE
LOCAL AGENCY FORMATION COMMISSION OF MONTEREY COUNTY**

Adopted October 22, 2007

***An audio recording of this meeting is available at the LAFCO office. Please contact us
at (831) 754-5838 to arrange a time to listen or to order a copy.***

Regular Meeting

Monday, September 24, 2007, 4:00 p.m.

**Board of Supervisors Chambers
Monterey County Government Center
168 West Alisal, First Floor
Salinas, California**

The meeting of the Local Agency Formation Commission (LAFCO) of Monterey County was called to order by Chair DiMaggio at 4:05 p.m. in the Monterey County Board of Supervisors Chambers. Chair DiMaggio led the Pledge of Allegiance.

ROLL CALL

Members Present

Commissioner Armenta, Alternate (*County Member*)
Commissioner DiMaggio, Chair (*Public Member*)
Commissioner Donohue, Vice-Chair (*City Member*)
Commissioner Calcagno, (*County Member*)
Commissioner Darington, Alternate (*Public Member*)
Commissioner McGowan (*Special District Member*)
Commissioner Perkins, (*Special District Member*)
Commissioner Potter, Interim for Commissioner Smith (*County Member*)
Commissioner Shirrel, Alternate (*Special District Member*)

Members Not Present

Commissioner Rubio, (*City Member*)
Commissioner Gourley, Alternate (*City Member*)

Staff Present

Kate McKenna, AICP, Executive Officer
Thom McCue, Senior Analyst
Elliot Mulberg, Senior Analyst
Frank Tiesen, LAFCO Counsel
Rachelle Jones, LAFCO Clerk

Item 4: Minutes

4.a Approval of Minutes of the July 23, 2007 Special LAFCO Meeting.

Upon Motion of Commissioner Donohue, seconded by Commissioner Potter, minutes of the July 23, 2007 regular LAFCO meeting, were approved by the following vote:

AYES: Commissioners Donohue, Potter, Calcagno, DiMaggio, McGowan, and Perkins
NOES: None
ABSTAIN: Commissioner

Announcement of New LAFCO Counsel:

Prior to public comment Chair DiMaggio announced LAFCO general counsel Frank Tiesen to replace Efren Iglesia.

Counsel Tiesen provided brief introductory presentation.

Item 5: Public Comment:

None

Item 6: Commissioner Comment:

None.

Item 7 (a-e): Consent Agenda:

Executive Officer McKenna provided staff report.

Upon Motion of Commissioner Calcagno, seconded by Commissioner Perkins, Consent Agenda Items: Accept Check Registers for July and August 2007, Accept Legislation Report, Receive List of Anticipated Future Agenda Items, Accept Status Report on City of Greenfield Sphere of Influence Memorandum of Agreement (*LAFCO File No. 06-10*).

8: Public Hearing

8.a Consider the “Val Verde Annexation” Involving the Annexation of Approximately 4.68 Acres to the Carmel Area Wastewater District. The Single Parcel Proposed for Annexation (Assessor’s Parcel Number: 015-021-036) is Located on the Southwest Corner of Carmel Valley Road and Val Verde Road, a Private Right-of-Way. This Site is Approximately 470 feet East of Carmel Rancho Road in the “Mouth of the Valley” Area (*LAFCO File No. 07-04*).

Senior Analyst McCue provided staff report.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Potter, seconded by Commissioner McGowan, the “Val Verde Annexation” Involving the Annexation of Approximately 4.68 Acres to the Carmel Area Wastewater District. The Single Parcel Proposed for Annexation (Assessor’s Parcel Number: 015-021-036) is Located on the Southwest Corner of Carmel Valley Road and Val Verde Road, a Private Right-of-Way. This Site is Approximately 470 feet East of Carmel Rancho Road in the “Mouth of the Valley” Area (*LAFCO File No. 07-04*), was unanimously approved.

9: Old Business

9.a Continued Consideration of a Discussion Paper on a Proposed Policy to Require Cities to Enter into a Memorandum of Agreement with LAFCO to Address Issues Associated with the Impacts of Planned Growth from Sphere of Influence Updates and Annexations (Continued from May 21, 2007).

Executive Officer McKenna provided staff report, and referenced a letter that was submitted by City of Soledad Mayor, Richard Ortiz requesting continuation of this item.

Chair DiMaggio opened this item for public comment.

Public Comment

William Ross, Attorney representing the City of Soledad, requested continuance of the item on behalf of City of Soledad and other Salinas Valley Cities.

Rick Verbanic, Former President of the Special District Association, spoke concerning Fire District cost distribution and Special District involvement with the M.O.A. process.

David Mora, City Manager City of Salinas, spoke against the policy and requested the City of Salinas be excluded from the process.

Mike Urquides, Chief of Salinas Rural Fire Protection District, discussed his district’s concerns involving Sphere updates, and requested a seat at the negotiation table.

Brian Finnegan, representing City of Salinas Future Growth Area landowners, requested exclusion of the City of Salinas from the process.

Michael Powers, City Manager City of King City, spoke against the M.O.A. policy.

Hans Jongens, said that he believes LAFCO should have full power in working with Spheres of Influences, and spoke about other concerns he has for our community and economy.

Chair DiMaggio closed the public comment period and opened up the discussion to the Commission.

Commission Comment and Action

The commission discussed the item.

During the discussion Commissioner Potter left the meeting and was replaced by Alternate County Commissioner Armenta.

Commissioner Armenta made a motion, seconded by Commissioner McGowan, to direct staff to return in October with a review of LAFCO's legal authority and a review of alternative approaches that would allow greater involvement of special districts in the process.

Commissioner Donohue offered an amendment that would not require Salinas to participate in the process of the new policy.

Commissioner Armenta accepted the amendment. Commissioner McGowan was reluctant to agree without having first reviewed the Salinas-County agreement and did not accept the amendment.

The motion was voted upon as originally proposed and failed by the following vote:

A YES: Commissioners Calcagno and McGowan
NOES: Commissioners Armenta, DiMaggio, Donohue, and Perkins
ABSENT: Commissioners Potter, Rubio and Gourley
ABSTAIN: None

Upon Motion of Commissioner Donohue, seconded by Commissioner Armenta, direction was provided to LAFCO Executive Officer McKenna to continue legal analysis, to look at policy alternatives, to expand Special District involvement in the process, and to exclude the City of Salinas from the LAFCO Memorandum of Agreement process, by the following vote:

A YES: Commissioners Donohue, Armenta, Calcagno, and DiMaggio, and Perkins
NOES: Commissioner McGowan
ABSENT: Commissioners Potter, Rubio and Gourley
ABSTAIN: None

10: New Business

10.a Consider Request for Waiver of LAFCO Processing and Filing Fees from the Pajaro/Sunny Mesa Community Services District.

Senior Analyst McCue provided staff report.

Public Comment

Attorney, Marc Del Piero, representing the Pajaro/Sunny Mesa Community Services District spoke in support of the fee waiver.

Commission Action

Upon Motion of Commissioner Calcagno, seconded by Commissioner Perkins, Waiver of the LAFCO Processing and Filing Fees from the Pajaro/Sunny Mesa Community Services District, was unanimously approved.

10.b Consider Report on the 2007 CALAFCO Annual Conference in Sacramento.

Senior Analyst Mulberg provided informational staff report.

There was no public comment for this item.

Commission Comment

Commissioner Shirrel provided highlights of her experience as a first time attendee of the CALAFCO Annual Conference. She recommended other Commissioners attend.

10.c Consider Administrative Procedure to Comply with Legal Requirement to Update Spheres of Influence by January 1, 2008.

Senior Analyst Mulberg provided staff report.

There was no public comment for this item.

Commission Action

Upon Motion of Commissioner Calcagno, seconded by Commissioner Armenta, Administrative Procedure to Comply with State Mandate for Sphere of Influence Updates by 2008, was unanimously approved.

10.d Consider Revision to Performance Appraisal Process.

Executive Officer McKenna provided staff report.

There was not public comment for this item.

Commission Action

Upon Motion of Commissioner Armenta, seconded by Commissioner Donohue, Revision to Performance Appraisal Process for the Executive Officer, was unanimously approved.

11: Executive Officers Report

There were no additional items to report.

Item 12: Correspondence

Two letters relating to Agenda Item No. 9.a were distributed during the course of the meeting. There were no additional items of correspondence.

Item 13: Closed Session

Pursuant to Government Code Section 54956.9 (a) – Existing Litigation

The Commission Conferred with Special Legal Counsel Regarding the Following Items:

- (1) “Carmel Valley Forum, Inc. (Petitioner) vs. Local Agency Formation Commission of Monterey County (Respondent),”
Superior Court Case Number M83394**
- (2) “William Sims, Mark Spindler, Sharon Waller, and Valley Volunteers, Inc. (Petitioners) VS. Monterey County Local Agency Formation Commission also known as LAFCO of Monterey County (Respondent),”**

Superior Court Case Number M79069

The meeting was not called into closed session.

Item 14: Adjournment

On motion of Chair DiMaggio, there being no objections, the meeting was unanimously adjourned at 6:35 p.m. to the next regular LAFCO meeting to be held on Monday, October 22, 2007 at 4:00 p.m. in the Board of Supervisors Chambers, 168 W. Alisal St., First Floor, Salinas, California.

Respectfully Submitted,

Rachelle Jones
LAFCO Clerk